

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
ESTHER SALAS
UNITED STATES DISTRICT JUDGE

MARTIN LUTHER KING
COURTHOUSE
50 WALNUT ST.
ROOM 2037
NEWARK, NJ 07101
973-297-4887

March 26, 2020

LETTER ORDER

**Re: *Kaga v. Elsoury, et al.*,
Civil Action No. 19-14814 (ES) (MAH)**

Dear counsel:

On January 24, 2020, plaintiff Maha Kaga (“Plaintiff”) moved to remand this action to the Superior Court of New Jersey, Family Part, Middlesex County, or, in the alternative, to dismiss this action so that it may be pursued in the state court. (D.E. No. 19 (“Motion to Remand”)). No opposition to the Motion to Remand was filed.

On February 25, 2020, the Honorable Michael A. Hammer, United States Magistrate Judge, issued a Report and Recommendation, recommending that the Court grant Plaintiff’s motion. (D.E. No. 24 (“R&R”)). Magistrate Judge Hammer provided the parties fourteen days to file and serve objections to the R&R pursuant to 28 U.S.C. § 636 and Local Civil Rule 72.1(c)(2). (*Id.* at 8). The parties did not file any objections.

Also on February 25, 2020, Plaintiff filed a letter explaining her efforts in serving defendant Ahmed A. Elsoury and defendant Mohammad Nassar with the Motion to Remand. (D.E. No. 25). Specifically, Plaintiff stated that she made three attempts to serve defendant Elsoury, who is currently incarcerated, and that the moving papers were served by certified mail on February 19, 2020. (*Id.* at 1–2). With regard to defendant Nassar, Plaintiff states that she sent a copy of the motion papers to the address Nassar provided in his Notice of Removal, and the documents were returned as undeliverable either because Nassar has “changed addresses without notifying Plaintiff or the Court, or is refusing to accept service of the papers.” (*Id.* at 2). Based on Plaintiff’s representations, the Court finds that the motion papers were properly served on defendants Elsoury and Nassar. *See* Fed. R. Civ. P. 5 (a)–(b) (service of a written motion can be conducted by “mailing it to the person’s last known address—in which event service is complete upon mailing.”).

Accordingly, having reviewed the parties’ submissions and Magistrate Judge Hammer’s R&R, and for the reasons stated therein,

IT IS on this 26th day of March 2020,

ORDERED that this Court ADOPTS Magistrate Judge Hammer’s R&R in full; and it is further

ORDERED that the Clerk of Court shall TERMINATE docket entry numbers 19 and 24; and it is further

ORDERED that the case is REMANDED to the Superior Court of New Jersey, Family Part, Middlesex County.

s/Esther Salas
Esther Salas, U.S.D.J.